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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEB 22 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Parts 2 and 15 to)
Prohibit Marketing of Radio Scanners)
Capable of Intercepting Cellular)
Telephone Conversations)

ET Docket No. 93-1

COMMENTS

GTE Service Corporation, on behalf of its domestic affiliated telephone, equipment, and service companies ("GTE"), hereby offers its Comments to the Commission's Notice of Proposed Rule Making, FCC 93-1, released January 13, 1993 ("NPRM" or "Notice"). In the Notice, the Commission proposes to amend Parts 2 and 15 of its rules to prohibit the manufacture or importation of radio scanners capable of receiving frequencies allocated to the Domestic Public Cellular Radio Telecommunications Service as required by the Telephone Disclosure and Dispute Resolution Act, Pub. L. 102-556 (the "Act").

DISCUSSION

GTE supports the Commission's proposed rules.

GTE supports the FCC's proposed rules to bar the manufacture and importation of scanning receivers that are capable of (i) receiving transmissions on the frequencies allocated to the domestic cellular radio telecommunications service, (ii) readily being altered by the user to receive transmissions on such frequencies, or (iii) being equipped with decoders that convert digital cellular transmissions to analog voice audio. GTE also supports the proposed rule to

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extend the bar to frequency converters that convert cellular radio transmissions in the 800 MHz band to lower frequencies which are then used with scanners that receive frequencies below 800 MHz to enable the reception of cellular telephone transmissions. (NPRM, para. 10) The manufacture and importation of such equipment should cease on or before April 26, 1994, and applications for equipment authorization of such equipment should cease being processed after April 26, 1993.

The final rules should remain targeted on the "frequencies" and not particular services offered on those frequencies.

In its Order implementing the final rules, the Commission should also make it clear that the new rules apply to the "frequencies" used in domestic public cellular radio telecommunications services and not just to traditional voice cellular service. Current cellular licensees can utilize their frequencies for services that are incidental to traditional cellular service and for new services. (See Sections 22.308 and 22.930.)¹ The Act places its emphasis on the "frequencies" themselves, and not on any particular service offered over those

¹ This would also include new services such as Personal Communications Services ("PCS") or PCS-like services that may be offered in these bands. However, since the Act and the NPRM specifically relate to the 800 MHz band, GTE assumes any similar restrictions for equipment that could be used to monitor PCS calls in the 2 GHz band will be addressed as part of the Commission's PCS Docket should the Commission finally conclude to allocate frequencies for PCS in the 2 GHz band. Whether the FCC has the statutory authority to impose a similar manufacturing and importation bar on scanning receivers and converters that operate around 2 GHz, or whether the FCC would need to seek new authority for such a bar, should be addressed in the PCS Docket or another related proceeding. GTE notes, for example, that the current definition of "scanning receiver" would not include equipment capable of monitoring the 2 GHz band. (See Section 15.3(v))

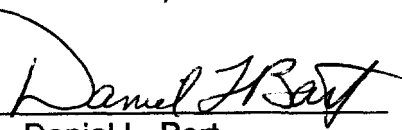
frequencies. The final rules should maintain that emphasis. GTE supports all actions that help ensure the privacy of communications and the rules proposed in the Notice assist in that goal by significantly reducing the availability of equipment that can be used to eavesdrop on these conversations or transmissions.²

CONCLUSION

GTE supports the FCC's proposed rules and other actions that will increase the security and privacy of telecommunications.

Respectfully submitted,

GTE Service Corporation,
on behalf of its domestic,
affiliated telephone, equipment,
and service companies

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² GTE assumes it is not the FCC's intent to have these proposed restrictions apply to any equipment that may be designed for or used by law enforcement personnel in carrying out their duties under a lawful wiretap order. The Commission's current restrictions on eavesdropping provide specific exemptions for such lawful activity. (See Sections 2.701 and 15.9.) With respect to federal law enforcement activities, the marketing and use of such devices is statutorily exempted. (See Section 302(c) of the Communications Act of 1934 and 47 C.F.R. Section 2.807.)